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U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

Michael W. Sobol (State Bar No. 194857)
(msobol@lchb.com)
Allison S. Elgart (State Bar No. 241901)
(aelgart@lchb.com)
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Michael A. Caddell (admitted *pro hac vice*)
(mac@caddellchapman.com)
Cynthia B. Chapman (State Bar No. 164471)
(cbc@caddellchapman.com)
George Y. Niño (State Bar No. 144623)
(gyn@caddellchapman.com)
CADELL & CHAPMAN
1331 Lamar, Suite 1070
Houston, Texas 77010-3027
Telephone: (713) 751-0400
Facsimile: (713) 751-0906

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

JOSE L. ACOSTA, *et al.*,

Plaintiffs,

v.

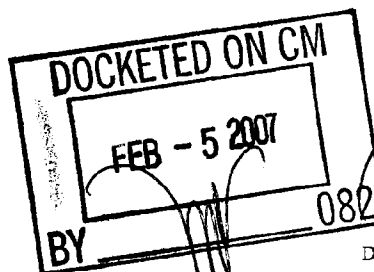
TRANS UNION, LLC, *et al.*,

Defendants.

Case No.: 06-cv-5060 DOC (MLG)

**DECLARATION OF CHARLES
DELBAUM IN SUPPORT OF
OPPOSITION TO PLAINTIFFS'
APPLICATION FOR PRELIMINARY
APPROVAL**

Date: January 22, 2007
Time: 8:30 a.m.
Place: Courtroom 9D
Judge: Hon. David O. Carter



583859.1

DECLARATION OF CHARLES DELBAUM
CASE NO. 06-cv-5060 DOC (MLG)

1 I, Charles Delbaum, declare and state:

2 1. I have personal knowledge of the matters set forth herein, and could
3 and would testify competently thereto if called upon to do so.

4 2. I was present at and participated in the September 14, 2006 mediation
5 with Justice Trotter. Early in this session, when meeting separately with the
6 members of the *White/Hernandez team*, Justice Trotter told us that he believed
7 counsel for TransUnion chose the *Acosta* lawyers to negotiate with for a national
8 class action settlement of the FCRA claims, because TransUnion's counsel thought
9 they "could get a better deal" from the *Acosta* counsel than from us.

10 3. Justice Trotter also told us that he had no opinion as to the "fairness or
11 adequacy" of the proposed TransUnion settlement agreement.

12 4. During the mediation, the *White/Hernandez team* made an effort to
13 bring *Acosta* counsel into our team in order to attempt to obtain a better settlement
14 for the class. We did so despite misgivings about *Acosta* counsel based on the
15 inadequacy of the settlement they had agreed on. We offered to place Mr. Sherman
16 on our steering committee, and to allocate fees based on our respective
17 contributions to the class, with the *Acosta* team being credited for all of the time
18 and expenses incurred in their pursuit of the *Acosta* and *Pike* cases. The emphasis
19 of our proposal was that a better settlement could be obtained for the Class if
20 *Acosta* counsel would renounce their MOU and join forces with us to achieve the
21 best possible result.

22 5. At this mediation session, Justice Trotter read the September 11, 2006
23 Sherman declaration in our presence. This declaration contains the representation
24 that "Justice Trotter had suggested" a "procedural framework" which was
25 "adopted" by both the *Acosta* plaintiffs and TransUnion. Justice Trotter put it down
26 on the table and immediately commented: "This just isn't true." Justice Trotter
27
28

1 then advised the *White/Hernandez* counsel that the procedural mechanism had been
2 suggested by TransUnion's counsel.

3 I declare under penalty of perjury under the laws of the State of
4 Massachusetts that the foregoing is true and correct.

5 DATED: JAN. 18, 2007, at Boston, Massachusetts.

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9 CHARLES DELBAUM
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